

**REMARKS**

As a preliminary matter, Applicant respectfully requests the Examiner to acknowledge our claim for foreign priority and receipt of all certified copies of the priority document (box 1 on PTOL-326 form) in the next office communication. Claims 1-26 are all the claims pending in the application.

**Information Disclosure Statement**

The Information Disclosure Statement of June 6, 2005 was properly filed with a copy of the relevant ISR. Attached please find additional copies of the references listed in the SB08 form filed on June 6, 2005, for the Examiner's convenience.

**Specification**

The title of the invention is objected to in the Office Action. In view of the amendment to the title, Applicant respectfully requests withdrawal of this objection.

**Drawings**

The Examiner has objected to the Drawings for various informalities. The informalities noted by the Examiner have been corrected. Thus, withdrawal of this objection is respectfully requested.

**Claim Rejections - 35 U.S.C. § 102**

Claims 1-3, 5, 6, 8-14, 16, 17, 19-26 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Sayers et al. (US 6,539,237; hereinafter "Sayers").

**Claim 1**

**Claim 1**

Claim 1 is related to a method of controlling a mobile communications system with a control plane controller and a plurality of user plane controllers. Claim 1 recites, *inter alia*, “reporting status information of said plurality of user plane controllers to said control plane controller; and causing said control plane controller to store said status information in a memory, wherein the status information includes traffic information within said plurality of user plane controllers.”

The Examiner points to the network level control systems (NSS as seen in Fig. 1) of Sayers as allegedly teaching the claimed control plan controller, the base station systems (BSS as seen in Fig. 1) of Sayers as allegedly teaching the claimed user plan controllers, and col. 5, ln. 1-22, 45-65 of Sayers as allegedly teaching the rest of the claim.

Sayers is directed to a method and apparatus that provides for wireless calls in private and public network environments (col. 1, ln. 8-10). In col. 5, ln. 13-15, Sayers discloses a Visitor Location Register (VLR), located in the NSS (see Fig. 1), which stores the subscribers data, downloaded from the Home Location Register (HLR, see Fig. 1), for mobile stations (4, see Fig. 1) currently located in the VLRs area. Sayers’ OMC-R and OMC-S are the Operations and Maintenance Center, respectively, for the Base Station Subsystem (BSS) and Network Sub-System (NSS) equipment (see Fig. 1). Sayers’ OMC-R provides various operations and maintenance control of the GSM BSS functions (col. 5, ln. 45-65).

However, the GSM BSS functions disclosed in col. 5, ln. 45-65 of Sayers are not traffic information within the BSS. Thus, Applicant respectfully submits that Sayers fails to teach or

suggest “wherein the status information includes traffic information within said plurality of user plane controllers.”

In view of the above, Applicant respectfully submits that Sayers does not anticipate claim 1. Also, Applicant respectfully submits that claims 2, 3, 5, 6, and 8, being dependent on claim 1, are allowable *at least* by virtue of their dependencies as well as for their additionally recited elements.

#### **Claim 9**

Claim 9 recites, *inter alia* “determining at said control plane controller, based on said second status information, whether or not a second radio link can be added at said second user plane controller.”

The Examiner points to col. 1, ln. 59 to col. 2, ln. 12 of Sayers as allegedly teaching the claimed feature above.

In col. 2, ln. 5-8, Sayers defines a handoff as a communication transfer for a particular user from a base station for a first cell to a base station for a second cell. Sayers discloses how the number of base stations controlled by the Mobile Services Switching Center (MSC, see Fig. 1) is determined (col. 1, ln. 63-67). However, Sayers does not disclose how the handoff is determined. Thus, Applicant respectfully submits that Sayers fails to teach or suggest “determining at said control plane controller, based on said second status information, whether or not a second radio link can be added at said second user plane controller.”

In view of the above, Applicant respectfully submits that Sayers does not anticipate claim 9. Also, Applicant respectfully submits that claim 10, being dependent on claim 9, is allowable *at least* by virtue of its dependency as well as for its additionally recited elements.

**Claim 11**

Claim 11 recites, *inter alia* a “plurality of control plane controllers.”

As noted above, the Examiner points to the NSS of Sayers as allegedly teaching the claimed feature above.

However, as shown in Fig. 1 of Sayers there is only one NSS. Thus, Applicant respectfully submits that Sayers fails to teach or suggest a “plurality of control plane controllers.”

In view of the above, Applicant respectfully submits that Sayers does not anticipate claim 11.

**Claim 12**

Independent claim 12 should be allowable for reasons analogous to those discussed above in conjunction with claim 1. Accordingly, we would respectfully submit that Sayers does not anticipate independent claim 12. Also, Applicant respectfully submits that claims 13, 14, 16, 17, 19, 20, 25, and 26, being dependent on claim 12, are allowable *at least* by virtue of their dependencies as well as for their additionally recited elements.

**Claim 21**

Independent claim 21 should be allowable for reasons analogous to those discussed above in conjunction with claim 9. Accordingly, we would respectfully submit that Sayers does not anticipate independent claim 21. Also, Applicant respectfully submits that claims 22, being dependent on claim 21, is allowable *at least* by virtue of its dependency as well as for its additionally recited elements.

**Claim 23**

Independent claim 23 should be allowable for reasons analogous to those discussed above in conjunction with claim 11. Accordingly, we would respectfully submit that Sayers does not anticipate independent claim 23. Also, Applicant respectfully submits that claims 24, being dependent on claim 23, is allowable *at least* by virtue of its dependency as well as for its additionally recited elements.

**Claim Rejections - 35 U.S.C. § 103**

Claims 4, 7, 15, and 18 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Sayers.

Applicant respectfully submits that Sayers does not render claims 4, 7, 15, and 18 unpatentable and claims 4, 7, 15, and 18, being dependent on one of claims 1 and 12, are patentable *at least* by virtue of their dependencies as well as for their additionally recited elements.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No.: 10/537,699

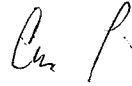
Attorney Docket No.: Q88299

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



#266766

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Howard L. Bernstein  
Registration No. 25,665

Date: November 10, 2008